

~~FILED~~  
~~Clerk~~  
~~District Court~~  
~~APR 21 2006~~  
For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN MARIANA ISLANDS

LI YING HUA, LI ZHENG ZHE,	)	CASE NO. CV 05-0019
and XU JING JI,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
JUNG JIN CORPORATION, a CNMI corporation,	)	
ASIA ENTERPRISES INC., a CNMI corporation,	)	
PARK HWA SUN and KIM HANG KWON,	)	
	)	
Defendants.	)	
_____	)	

**TRANSCRIPT DEPOSITION EXCERPTS**

Mark B. Hanson, Esq.  
First Floor, Macaranas Building  
Beach Road, Garapan  
Saipan, Mariana Islands 96950

Attorney for Plaintiffs

ORIGINAL

EXCERPTS INDEX

Bates No.

## I. Transcript Deposition of Kim Ki Sung (March 9, 2006).

Page 3	.....	001
Page 5	.....	002
Page 13	.....	003
Page 14	.....	004
Page 15	.....	005
Page 16	.....	006
Page 18	.....	007
Page 19	.....	008
Page 20	.....	009
Page 21	.....	010
Page 22	.....	011
Page 24	.....	012
Page 25	.....	013
Page 26	.....	014
Page 34	.....	015
Page 35	.....	016
Page 36	.....	017
Page 38	.....	018
Page 39	.....	019
Page 46	.....	020
Page 47	.....	021
Page 50	.....	022
Page 51	.....	023
Page 59	.....	024
Page 63	.....	025
Page 64	.....	026
Page 65	.....	027

## II. Exhibits.

D through J.....	028 - 036
------------------	-----------

## III. Transcript Deposition of Asia Enterprises, Inc. (January 24 &amp; 25, 2006.

Page 8	.....	037
Page 46	.....	038
Page 47	.....	039
Page 37	.....	040



1 KIM KI SUNG,  
2 having first been duly sworn by the Notary Public Mark B. Hanson, was  
3 examined and testified as follows:

4 EXAMINATION BY MR. HANSON:

5 MR. HANSON: Good morning.

6 TRANSLATOR: Morning

7 MR. HANSON: This is -- this is the case of Li Ying Hua, Li Zheng Zhe and Xu  
8 Jing Ji verses Jung Jin Corporation, Asia Enterprises Inc., Park Hwa Sun and Kim Hang  
9 Kwon; the civil action number 05-0019, currently pending in the United States District  
10 Court for the Northern Mariana Islands.

11 This is March 9th, 2006; the time is 10:30 a.m. We're at the law offices of Mark  
12 Hanson in the conference room. I am Mark Hanson. This is the time schedule for the  
13 deposition of Mr. Kim Sung Eun pursuant to a subpoena issued to Mr. Kim on February  
14 2nd, 2006. Present today is Mr. Kim Sung Eun, he's not apparently represented by  
15 counsel, we'll discuss that in a minute. Translator for the deposition is Mr. Alex Tae.  
16 This deposition is being digitally recorded and also video taped for the record.

17 Q. Good morning, Mr. Kim. The first thing I want to do -- my name is Mark  
18 Hanson and I'm the attorney for the plaintiffs in this case and this lawsuit is part of the  
19 subpoena that you got. The first thing we need to do is swear you in. I'm a notary public  
20 so I can also do that, but I'm going to ask you to raise your right hand for me please.

21 And do you swear to tell the truth, the whole truth and nothing but the truth in this  
22 deposition here today.

23 A. Yes.

1 Q. Okay?

2 A. Okay.

3 Q. All right. Now -- okay. So for the record this is Mr. Kim Ki Sung not  
4 Miss Kim Sung Eun. The subpoena was issued to Miss Kim Sung Eun the wife of Mr.  
5 Kim Ki Sung; is that correct?

6 A. Yes.

7 Q. But Mr. Kim Ki Sung is offering to do the deposition today without a  
8 subpoena, voluntarily?

9 A. Yes.

10 Q. Okay. Now, I'm going to ask you some preliminary questions, Mr. Kim.  
11 First of all, are you comfortable right now, do you need anything to drink, any coffee?

12 A. (in English) No, no problem.

13 Q. Okay. If at any time you need to take a break this morning this morning  
14 then you let me know and we'll stop and take a break.

15 A. (in English) Yeah, yeah, sure, sure.

16 Q. Now, have you ever had your deposition taken before?

17 A. (in English) No.

18 Q. No whatsoever. All right. Do you understand what happens in a  
19 deposition?

20 A. (in English) Yes.

21 Q. Okay. Basically I'm just going to ask you questions and then you have to  
22 respond truthfully to the questions. And if any time there's something -- if at any time  
23 there's something that you don't understand then I don't want you to answer the question.

1 A. No. He's -- we've been friends for over 20 years, ever since our college  
2 years.

3 Q. So he didn't -- he didn't give you a receipt or you didn't get a receipt from  
4 him every time you would give him cash or traveler's checks?

5 A. No, I don't know.

6 Q. How about when he gave you money back, he gave you your investment  
7 back, your 150,000 back, that came out little by little, right?

8 A. It came into me in number of different occasions. We such good friends  
9 we don't -- friends don't do that to each other.

10 Q. Don't do what to each other? I'm sorry I don't understand.

11 A. We just know off by our head that -- how much was given or how much  
12 I've received. We do not keep records.

13 Q. So there's no documents that we could go back and look at right now to  
14 see how much money you gave Mr. Lee and how much money he gave back to you?

15 A. (in English) I don't know.

16 A. I don't know.

17 Q. You don't know if there are any documents that would show that?

18 A. There are no documents.

19 Q. Okay. Now, in February 2003 you finished with Mr. Lee and you opened  
20 up your own business; is that right?

21 A. Yes.

22 Q. Okay. What business was it, what was the name of that business? Did it  
23 have a name?

003

1 A. (in English) Fun and Win Poker.

2 Q. Can you spell for me?

3 A. (in English) F-U-N and W-I-N --

4 Q. Poker.

5 A. (in English) Yeah.

6 Q. Okay. Fun and Win Poker.

7 A. (in English) Yes.

8 Q. And that was the name of the poker place?

9 A. Yes.

10 Q. Was that the name of your business or does your business have a different  
11 name?

12 A. (in English) KSK Corporation.

13 A. KSK Corporation.

14 Q. Okay. So KSK Corporation was doing business as Fun and Win Poker; is  
15 that right?

16 A. Yes.

17 Q. And KS -- KSK, does that stand for Ki Sung Kim?

18 A. Yes.

19 Q. Yes. All right. So it's taken after your name?

20 A. Yes.

21 Q. Okay. When -- KSK is a corporation so you filed papers with the CNMI  
22 government to make the business?

23 A. Yes.

1 Q. Okay. When -- when did you make those papers to create this company  
2 KSK Corporation?

3 A. Probably by February year 2003 because I open my poker parlor in March,  
4 the following month.

5 Q. Okay. Did you have somebody help you make those papers?

6 A. Business agent.

7 Q. Okay. What -- what's the name of the business agent?

8 A. DK Office.

9 Q. Where is that located?

10 A. Underneath the immigration.

11 Q. DK, is that D or B?

12 A. (in English) D. A, B, C, DK.

13 Q. Oh okay. Is that that Vietnamese guy or is he Korean?

14 TRANSLATOR: Korean guy. He looks like Vietnamese.

15 Q. But isn't -- it's the one where they have -- also have the remittance and  
16 copy center in the immigration downstairs.

17 A. Downstairs, yes.

18 Q. Ask him.

19 A. It's right by the main entrance.

20 Q. So like if you -- you come in the main entrance, is it the one over there on  
21 the -- on the left hand side? Where is it when you come in the main entrance?

22 A. It's on the right side of the entrance.

23 Q. Okay. The right side of the entrance, you have -- you come in and there's

005



1 like a Bank of Guam, right, it's next door to Bank of Guam.

2 A. Right. There's a restaurant -- if you see -- if you face right and right next  
3 to it there is a bank, it's right next to the bank.

4 Q. So it's right next to Bank of Guam on the right as you come inside the  
5 doors at the -- Efetna Building in San Antonio? Is that right?

6 A. Yes and he . . . . .

7 TRANSLATOR: . . . .and Mr. Kim just asked me whether I know the location.

8 Q. Never mind. It's of minor importance. Okay. Let's talk a little bit about  
9 KSK. Who -- when you -- when you made the -- the formation documents, who was --  
10 who was the owner of KSK?

11 A. My wife.

12 Q. Okay. And your wife is Kim Sung Eun?

13 A. Yes.

14 Q. Can you do me a favor and spell your wife's name for me please.

15 A. (in English) K-I-M S-U-N-G E-U-N.

16 Q. Okay. Thank you. She's a shareholder?

17 A. Yes.

18 Q. Does she own all the shares of the company?

19 A. No. My wife and mother-in-law.

20 Q. What's your mother-in-law's name?

21 A. (in English)K-I-M O-K-J-A.

22 A. Kim Okja.

23 A. (in English) Yeah.

1 A. (in English) No, I know.

2 Q. Okay. This is doesn't have anything to do with me accusing you of  
3 anything or anybody else accusing you of anything right now. I represent three workers,  
4 former workers of -- of Mrs. Park Hwa Sun and Mr. Kim Hang Kwon. Okay? That's my  
5 clients. I think you actually met two of them before; right?

6 A. Yes.

7 Q. Okay. They have a case against Mrs. Park and Mr. Kim and their two  
8 companies Jung Jin Corporation and Asia Enterprises. They're trying to get the wages,  
9 the salaries that's unpaid to them.

10 A. I saw it in the paper.

11 Q. Okay.

12 A. Can you repeat your?

13 Q. Yeah. They're trying to get their unpaid wages from -- from these people.  
14 Okay? They're saying that -- they -- they don't deny that the -- my clients' are owed this  
15 money for their wages. But what I—

16 A. Unpaid salary, no that's not what I heard. What I heard was Asia  
17 Enterprise was closed down because -- due to the lack of business.

18 Q. Okay. That's neither here nor there. What I'm saying is I'm just trying to  
19 -- my client's aren't making any claims that you owe them wages. They don't have any  
20 claims against you that you owe them any money; do you understand?

21 A. Can you specify that, clarify that please.

22 Q. My clients, Mr. Li Zheng Zhe, Miss Xu Jing Ji and Miss Li Ying Hua,  
23 those are my clients. They're trying -- they are trying to get the money from Mr. Kim,

1 Miss Park and their businesses, not from you.

2 A. I was quite shocked because according to the paper there was unpaid  
3 salary mentioned, and from what I heard from other people it was a different story. I was  
4 told that all the wages have been paid.

5 A. (in English) I don't know.

6 A. It doesn't seem to make sense for the employees to work for months  
7 without getting paid.

8 A. (in English) Problem, big problem, I think. Why is salary no pay? Salary  
9 no pay, working stop. Working (indiscernibl) . . . close. Finish. Me, I think.

10 Q. Okay. You say you saw -- you saw something about this case in the  
11 newspaper; is that right?

12 A. I glanced at it and people told me about it.

13 Q. Okay. When did you see it in the newspaper?

14 A. It's been -- it's been a long time -- number of -- several months.

15 Q. How many months? Six months ago?

16 A. I don't clearly remember -- I can't clearly remember. All I -- I saw it from  
17 the paper.

18 Q. What did you see in the newspaper?

19 A. That the person had sex with the person and unpaid salary.

20 Q. Okay. And was that in -- when you saw it in the newspaper -- I'm just  
21 trying to figure out when about, I don't need exactly, but I'm just trying to figure out  
22 about when?

23 A. Number of -- all I know is it's been months. It's been months back, I

1 didn't even know they were involved in a lawsuit. I only heard people were saying about  
2 it.

3 Q. When you first saw it in the news -- when you first heard about the case,  
4 was that before or after Christmas? Let's just use Christmas as a line. Before or after  
5 Christmas?

6 A. I'm not too sure but I'm thinking it might have been after Christmas.

7 Q. Okay. Was it in December then of 2005 or was it after December, some  
8 time in this year, 2006?

9 A. I'm thinking it's year 2005.

10 Q. Mid 2005 -- you can't help me out with any time? Has it been -- how  
11 many months ago?

12 A. Or maybe it could have been around the summer time, around August or  
13 September.

14 Q. Okay. But you can't remember it clearly -- clearer than that.

15 A. I did not pay attention to it.

16 Q. You say that you heard from people about this case also, other than just  
17 reading it in the newspaper.

18 A. Yes.

19 Q. Who told you -- who did you hear about this case from?

20 A. People around me.

21 Q. Who? Do they have names?

22 A. I don't know.

23 Q. You don't -- you know that you heard from people but you don't know

1 who those people are?

2 A. No worry, really, we never had a -- I never had a discussion about that  
3 matter with anybody, people were just talking about it and I just heard about it but not  
4 paying a full attention

5 Q. What did -- well, you heard -- for example, you just told me you heard that  
6 -- that these people were complaining about salaries but that they were really -- they got  
7 all of their salaries so they're not telling the truth; did you hear that from somebody?

8 A. This is only my personal opinion.

9 Q. What's your personal opinion? Which one is your personal opinion?

10 A. As an owner of a business, I've experienced the employees wouldn't do  
11 anything without receiving -- receiving salaries -- salaries for months. That's -- that is  
12 my personal opinion.

13 Q. Okay. Let's talk about that. Are you running a business right now?

14 A. Yes.

15 Q. Do you have employees in your business that you're running right now?

16 A. Yes.

17 Q. Now, with your employees, do you pay them an hourly wage or do you  
18 pay them a monthly salary or do you -- some other -- something different?

19 A. 3.05 per hour.

20 Q. And -- and so you -- you -- they keep track of their time every two weeks  
21 you pay them 3.05 per hour?

22 A. Yes plus overtime.

23 Q. Plus overtime. Plus overtime; is that right?

1 A. (in English) Yes.

2 Q. So you don't have employees just getting -- receiving a monthly salary for  
3 their work?

4 A. No.

5 Q. Okay. You -- you do have a business right now though?

6 A. Yes.

7 Q. What's the name of your business right now?

8 A. KSK Corporation.

9 Q. The name of your business is KSK Corporation?

10 A. Yes.

11 Q. What -- what business is KSK Corporation doing right now?

12 A. Poker parlor and a laundrymat.

13 Q. What's the name of the poker parlor?

14 A. (in English) S-H-A-N-Y.

15 Q. Shany.

16 A. (in English) Yeah.

17 Q. Shany Poker?

18 A. (in English) Shany Two Poker.

19 Q. Shany Two Poker. What else?

20 A. (in English) Top Poker. T-O-P.

21 Q. Top.

22 A. (in English) Yeah.

23 Q. T-O-P Poker?

- 1 Q. What's the -- what's her first name?
- 2 A. I don't know her name. About to close one down.
- 3 Q. Which one are you going to close?
- 4 A. (in English) Fun and Win.
- 5 Q. Fun and Win?
- 6 A. (in English) Yeah.
- 7 Q. Where is Fun and Win located?
- 8 A. In San Jose.
- 9 Q. Where in San Jose?
- 10 A. Next to Toyota.
- 11 Q. On that side of the street?
- 12 A. Yes, on the same side of the street.
- 13 A. (in English) Maybe business very slow down, close.
- 14 Q. Okay. What about -- what about Shany Poker, where is that located?
- 15 A. Shopping center.
- 16 Q. How long have you owned Shanty -- or Shany Poker?
- 17 A. Around two to two and a half years.
- 18 Q. Did you buy the poker place from somebody or did you start it up by
- 19 yourself?
- 20 A. I took over from somebody.
- 21 Q. Took over. Who did you take it over from?
- 22 A. What's the point of you asking me about my corporation, my business?
- 23 As you said earlier, I have nothing to do with this.

1 A. (in English) Why make me corporation touchy? I make problem no. No.  
2 No touchy.

3 A. Why is my -- my own business brought up here? All I did was I -- I lend  
4 some money to him.

5 Q. Lent some money to who?

6 A. Jung Jing Corporation, Mrs. Park. I'm in trouble because I can't get my  
7 money back.

8 Q. Okay. When did you loan Mrs. Park money?

9 A. \$60,000 in year 2004, December 1st.

10 Q. Can I have a copy of that?

11 A. (in English) No touch. No touch.

12 Q. That's subpoenaed under this, you understand? You have to give me a  
13 copy of that because that's under the subpoena right there.

14 A. (in English) Copy okay.

15 Q. Can you -- I can copy this, huh?

16 A. (in English) Yeah.

17 Q. I'm going to go copy, all right? I'll be right back. I'm just going to leave  
18 that running, I'm just going to step right out by the door, I'll leave it open.

19 MR. HANSON: My secretary is going to make copies while we talk some more.

20 Q. Okay. While she's doing that, I want to talk about -- and we're going to  
21 talk about Mrs. Park and the money that you loaned to Mrs. Park and what happened with  
22 Mrs. Park and Jung Jin. We're going to talk about that. But before that I just want to get  
23 an understanding of your business so I see how it ties into the loans that you made to



1 Mrs. Park and what your business is now.

2 Q. Don't let him talk too much because you have to translate. You can say  
3 more just—

4 A. His corporation and my corporation, we have nothing in -- we have no  
5 business relationship. It was a personal relationship between myself and Mr. Kim. And  
6 from a month before I got this -- this amount -- this money Mr. Kim has been whining  
7 about how -- how much trouble he is in and as soon as I got this I lend it -- loan to Mr.  
8 Kim.

9 Q. Okay. I'm going to -- I'm going to mark what I just had copied that Mr.  
10 Kim gave me as Exhibit A so we can talk about this document. Now, you just said --  
11 when you said Mr. Kim was complaining -- Mr. Kim now, right, not Mrs. Park but Mr.  
12 Kim?

13 A. (in English) Mrs. Park told me. Mrs. Park.

14 A. Mrs. Park.

15 Q. But why did you say Mr. Kim?

16 A. He's -- Mr. Kim's mentioned it to me a number of times, Mrs. Park also  
17 mentioned it to me a number of times but I loan it to -- lend my money to Mrs. Park.

18 Q. Well, you said you had a personal relationship -- you had no business  
19 relationship with any of them; is that right?

20 A. No, you're right. I have no business relationship with either of them but in  
21 year 2004 around December Mr. Kim asked me to invest or put half of -- of a poker  
22 parlor that he was about to open and we agreed to share the profits in half but that didn't  
23 work out and it only lasted about three months and closed down and ended the business

1 Q. Okay. So I just want to understand, that's all I'm here to do today is  
2 understand. You and Mr. Kim both have to put in \$12,000 every three months for the  
3 Daora poker machines, right?

4 A. (in English) Total payment.

5 Q. Well, Mr. Kim he can't afford to pay so you put in the money for you and  
6 you put in the money for Mr. Kim; is that right?

7 A. Yes.

8 Q. I'm right so far. But you actually didn't put the money in, you -- the  
9 office girl from your friend put the money in and then you paid the office girl back?

10 A. Yes.

11 Q. Okay.

12 A. Paid back in full amount?

13 Q. Paid back in full. But at the end of all this Mr. Kim still -- personally he --  
14 Mr. Kim owes you the money back for what you covered for him, what you paid for him?

15 A. Yes. \$24,000.

16 Q. Okay. \$24,000 and then \$2000 in interest?

17 A. I'm thinking it is.

18 Q. Okay. Are you paid back that now?

19 A. No.

20 Q. Mr. Kim still owes you that money?

21 A. Yes.

22 Q. Okay. I'm going to show you this document I marked as Exhibit D; you  
23 recognize that document?

1 A. Yes.

2 Q. What is that document?

3 A. This is to return -- or this is a replacement of the money that Mr. Kim  
4 owes me.

5 Q. So he doesn't owe you anymore?

6 A. Yes.

7 Q. Be clear. The 26,000, that's 24,000 for the Daora Poker plus 2000 in  
8 interest.

9 A. Interest.

10 Q. Okay. 26,000, finished now?

11 A. (in English) Yes.

12 Q. Mr. Kim doesn't owe you anymore?

13 A. From Miss Park, but that also has been replaced with the laundrymat.

14 Q. Okay. Let's not talk about the laundrymat, I just want to talk about the  
15 26,000 first. So you're saying that this -- what -- first let's say what is this bill of sale;  
16 what happened in here?

17 A. There's total of \$126,000 that I need to receive from the couple.

18 Q. From the couple. Okay. I understand but let me read it and -- and -- and  
19 ask you questions about it. First of all, what date was this bill of sale made?

20 A. January 1st year 2006.

21 Q. Okay. Who made this document?

22 A. I prepared this document.

23 Q. At the bottom you see it has—

1 A. I made this document.

2 Q. Okay. You see at the bottom there it has your name? Is that your  
3 signature?

4 A. Yes.

5 Q. Next to it says January 1 06 – 01/01/06?

6 A. (in English) Yes.

7 Q. Is that the day you signed the document?

8 A. Yes.

9 Q. And it says manager -- you wrote manager in there, right?

10 A. (in English) Yeah.

11 Q. Underneath that it says KSK Corp.?

12 A. Yes.

13 Q. Is that the KSK Corp we were talking about earlier?

14 A. (in English) Yes. Yes, yes, yes.

15 Q. That's your –

16 A. (in English) Yes.

17 Q. Yes. So that's your wife's corporation, right?

18 A. (in English) Yeah, me same same.

19 Q. Your wife's corporation and you are same same?

20 A. (in English) Yeah, is.

21 Q. All right. And this is for \$26,000, it says US\$26,000, right?

22 A. (in English) Yeah.

23 Q. It says that KSK paid Jung Jin Corporation \$26,000, right?